

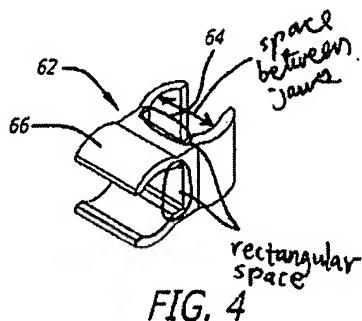
REMARKS

Claims 1, 8, 11, and 19 have been amended. No claims have been canceled. Claims 1-20 are pending in the present application after entry of this amendment.

The examiner rejected claims 8-10 under 35 U.S.C. § 112, second paragraph. In response to the examiner's request, applicant has amended claim 8 to clarify that it is directed to the subcombination support or fitting, but does not include the plastic pipe. To do this, applicant amended the preamble to clarify that the pipe is part of the environment (i.e., "for receiving a plastic pipe having a predetermined outer diameter"), and amended the claim body to recite how the claim element interacts with the environment ("the space between said jaws is slightly less than the outer diameter of the plastic pipe"). In view of the foregoing, applicant respectfully submits that all claims now fully comply with 35 U.S.C. § 112, second paragraph.

The examiner rejected 1-4, 6, 7, 11-14 and 16-20 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,543,731 to Mercier in view of U.S. Patent No. D408,273 to Senninger and further in view of U.S. Patent No. D417,141 to Senninger. This rejection is respectfully traversed.

Applicant has amended the independent claims to recite (for example in claim 1) that "said [open] space between the jaws is defined by a rectangular portion transitioning into an arcuate bend in each jaw." That is, the bottom of each open area in the clip has a rectangular shape opening leading to the arcuate shape jaws (see Fig. 4 below). This structure recited in the amendment is supported and shown in, for instance, Figs. 3-5 and paragraph 38 forming part of the originally-filed specification.



None of the cited references in any drawing or disclosure teaches or suggests the claimed rectangular open portion transitioning into the arcuate shape jaws. At least for this reason, the amended claims are not obvious in view of the cited references individually or in combination.

Furthermore, claim 1 recites that “the space between said jaws extends slightly less than the outer diameter of said support pipe.” Claim 8 recites similar language. In contrast, the clips shown and described in all of the references have a space between the jaws equal to the entire outer diameter of the support pipes. This is indisputable since the references in the drawings all show clips having a circular opening circumscribing about 75% of the outer diameter of the support pipe. Since the references do not teach or suggest this limitation, claims 1 and 8 are not obvious in view thereof.

The amended claims are further not obvious since the claimed features present advantages over the cited art. For example, the space between the jaws being smaller than the diameter of the pipe is designed for “positive holding action” and “firm clip-on action.” (See application, line 6, para. 35; and line 4, para 36.)

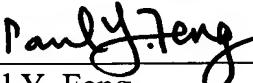
None of the references addresses the clip-on action or the strength of the holding action. In fact, it is not clear from their teaching that the clips taught in the references are even the clip-on type – they may actually not be clip-on but rather are accessed by sliding the support pipe coaxially into the circular opening. To be sure, the examiner has not cited any passage from the references that discusses clip-on action.

Finally, the rectangular space in the claimed invention provides the jaws more lateral flexibility at their distal free ends and strength at the proximal attached ends to accommodate pipes of varying sizes. Compared to the 75% circumferential coverage of the jaws shown in the cited references, the clips shown in the references cannot accommodate varying diameter pipes as well. The present invention therefore has many advantages over the clips described in the cited art, and is accordingly not obvious in view thereof.

In view of the foregoing, applicant respectfully submits that all claims are now in condition for allowance. Reexamination and reconsideration of the application are respectfully requested and allowance at an early date is solicited.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Paul Y. Feng
Registration No. 35,510

PYF:gbr

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

74038.1